

Immigration and Refugee Board of Canada

[Home](#) > [Research Program](#) > Responses to Information Requests

Responses to Information Requests

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16 November 2007

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Malaysia: Citizenship laws, including methods by which a person may obtain citizenship; whether dual citizenship is recognized and if so, how it is acquired; process for renouncing citizenship and related documentation; grounds for revoking citizenship

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

The constitution of Malaysia governs the issue of Malaysian nationality (Malaysia 23 Oct. 2007; [US Mar. 2001](#), 126). Malaysian citizenship can be acquired under provisions of Chapter 1 of the constitution (Malaysia 23 Oct. 2007). Further details on obtaining citizenship are available in Part III, Chapter 1 of the Constitution of Malaysia (Malaysia 31 Aug. 1957, Arts. 14-22). The constitution contains provisions for citizenship by naturalization after a minimum ten years of residence (*ibid.*); however, a publication of the [US Office of Personnel Management, Investigations Service](#) notes that "naturalization is not encouraged" ([US Mar. 2001](#), 126). The information indicating that naturalization is not encouraged could not be corroborated among the sources consulted by the Research Directorate within time constraints for this Response.

The Malaysian government does not recognize dual citizenship (Malaysia 23 Oct. 2007; [US Mar. 2001](#), 126).

A child born in Malaysia does not automatically obtain Malaysian citizenship (*ibid.*). Children born in wedlock to two Malaysian citizens are Malaysian citizens regardless of the country of their birth ([US Mar. 2001](#), 126; Malaysia 31 Aug. 1957, Art. 14 and Part II Art. 1). Children born in wedlock, in Malaysia, of a Malaysian mother and foreign father are also Malaysian citizens, as are children born out of wedlock, in Malaysia, of a Malaysian mother ([US Mar. 2001](#), 126; Malaysia 31 Aug. 1957, Art. 14 and Part II Art. 1). However, children born in wedlock abroad to a Malaysian mother and a foreign father are considered to have received the father's citizenship ([US Mar. 2001](#), 126; Malaysia 31 Aug. 1957, Art. 14 and Part II Art. 1). Children born out of wedlock, abroad, to a Malaysian mother are not considered citizens, but may enter Malaysia with permanent resident status, with the mother, and may apply for citizenship ([US Mar. 2001](#), 126). Women married to Malaysian citizens may apply for citizenship after two years of residence in Malaysia (Malaysia 31 Aug. 1957, Arts. 14-22).

Applications for confirmation of citizenship status and applications for citizenship are made to the National Registration Department of Malaysia (Malaysia *n.d.a*). The documents required will vary depending on the article of the constitution under which citizenship is claimed (Malaysia *n.d.a*). However, the required documents may include: specific application forms; the birth certificate of the applicant or child; birth certificates for the parents of the applicant or child; the marriage certificate of the parents; the certificates of citizenship of the parents; identity cards of the parents; and the child's and parents' travel documents

(Malaysia n.d.a; ibid. n.d.b; ibid. n.d.c; ibid. n.d.d; ibid. n.d.e; ibid. n.d.f). Fees required vary from 2.00 Malaysian ringgits to 30.00 Malaysian ringgits, depending on the type of application (ibid. n.d.a). [1 Malaysian ringitt = 0.29 Canadian dollars (Canada 16 Nov. 2007)]

The process for renunciation of citizenship requires applicants to complete an application, "Form K", and to submit this to the nearest Malaysian Embassy or High Commission together with the following: original current Malaysian passport; original Malaysian identity card; original Malaysian birth certificate (which will be returned to the applicant once the renunciation process is completed); copy of the citizenship certificate obtained from another country; two passport photos; and a fee of five Canadian dollars (Malaysia 23 Oct. 2007; Malaysia n.d.g).

According to an official of the High Commission of Malaysia in Ottawa, the government of Malaysia may revoke citizenship if it is satisfied that the citizen has been residing outside Malaysia for more than five years continuously without registering the intention to retain citizenship with a Malaysian consulate (Malaysia 23 Oct. 2007; Malaysia 31 Aug. 1957, Arts. 23-27). Exceptions are made for those working overseas for the Malaysian government or for an international organization of which Malaysia is a member (Malaysia 23 Oct. 2007; Malaysia 31 Aug. 1957, Arts. 23-25).

Additional grounds for "involuntary loss" of Malaysian citizenship include the following: voluntarily acquiring foreign citizenship; receiving a criminal sentence within five years of gaining citizenship; showing disloyalty to the country and government of Malaysia; working for a foreign government without permission of the Malaysian government; obtaining Malaysian citizenship through fraud or false statement (US Mar. 2001; Malaysia 31 Aug. 1957, Arts. 23-25).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of additional sources consulted in researching this Information Request.

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Additional Sources Consulted

Publication: *Foreign Law: Current Sources of Codes and Basic Legislation in Jurisdictions of the World*

Internet sites, including: Immigration Department of Malaysia; lawyerment.com Malaysia Online Legal Resources.

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